

## HOUSE RESOLUTION NO. \_\_\_\_\_

ETHICS COMMITTEE  
RULES OF PROCEDURE1  
2  
3 RULE 1. Scope and Authority

4 These Rules of Procedure govern the conduct of the investigation  
5 of complaints of ethical misconduct by a member of the House and are  
6 adopted pursuant to House Rule 37.

## 7 RULE 2. Definitions

8 As used in these Rules, unless the context requires otherwise,  
9 the following words and terms shall have the following meanings, and  
10 the use of masculine gender shall include the feminine.

11 (1) Letter of reproof - A sanction which expresses disapproval  
12 of conduct based on the appropriateness of such conduct by a member,  
13 regardless of whether the conduct constitutes a legal or moral wrong  
14 and is included as part of the Committee's report.

15 (2) Reprimand - A sanction which recognizes the member's conduct  
16 constituted a legal or moral wrong and which may include punishment in  
17 the form of denying privileges of office, which recommendation is  
18 included as part of the Committee's report, is issued by the Speaker  
19 and the recommendation for reprimand is made a public record.

20 (3) Censure - A sanction which recognizes the member's conduct  
21 constituted a legal or moral wrong, and which shall include punishment  
22 in the form of denying privileges of office, which recommendation is  
23 included as part of the Committee's report and requires the presence  
24 of the member in the chamber during consideration and vote by the  
25 entire House on such resolution.

26 (4) Expulsion - A sanction which recognizes the member's conduct  
27 constituted a legal or moral wrong and which may include punishment in  
28 the form of removal from office as provided in Article III, Section 18  
29 of the Missouri Constitution, which recommendation is included as part  
30 of the Committee's report.

31 (5) Ethical misconduct -

32 (a) A crime;

33 (b) Willful neglect of duty;

34 (c) Corruption in office;

35 (d) Any conduct constituting a legal or moral wrong which  
36 materially impairs the member's ability to perform the duties of his  
37 office or substantially impairs public confidence in the General  
38 Assembly;

39 (e) Any conduct constituting a conflict of interest under  
40 Chapter 105, RSMo;

41 (f) The intentional filing of a false complaint or the filing of  
42 a complaint in reckless disregard of the truth; or

43 (g) Any breach of confidentiality provided for under these  
44 rules.

1 (6) Member - Any Missouri State Representative or Missouri State  
2 Representative-Elect.

3 RULE 3. Quorum

4 A quorum exists when a majority of the members of the Committee  
5 are present.

6 RULE 4. Form of Complaints

7 A. All complaints filed against a member shall be made under the  
8 authority of Rule 37 of the House Rules of Procedure. The complaints  
9 shall be confidential and shall be referred to the Committee on Ethics  
10 within fourteen (14) calendar days. Each complaint shall be in  
11 writing and under oath from the member, or in the case of alleged  
12 sexual harassment, the investigative report shall be sufficient to be  
13 considered a proper complaint. All complaints shall contain:

14 (1) The name and address of the member or members or other  
15 individual or individuals acting as complainant;

16 (2) The name of the member alleged to have engaged in conduct  
17 constituting ethical misconduct;

18 (3) The nature of the alleged act constituting ethical  
19 misconduct, including when applicable, the specific law, rule,  
20 regulation, or ethical standard violated;

21 (4) The facts alleged to have given rise to the act constituting  
22 ethical misconduct; and

23 (5) Where the facts are alleged upon the information and belief  
24 of the complainant, the complaint shall so state and set forth the  
25 basis for such information and belief.

26 B. All records in the possession of the complainant that are  
27 relevant to and in support of the allegations shall be appended to the  
28 complaint.

29 RULE 5. Jurisdictional Hearing of the Complaint by the Committee

30 A. Within thirty (30) calendar days of the assignment of the  
31 complaint, the Committee shall determine if it is in compliance with  
32 Rule 4 of these Rules, and whether on the face of the complaint, the  
33 allegations contained therein are within the jurisdiction of the  
34 Committee. No person named in the complaint shall act as a member of  
35 the Committee for purposes of such complaint. The jurisdictional  
36 hearing to examine the complaint and report or other evidence provided  
37 to the Committee, and the determination under Rule 5. C. shall be  
38 conducted in a closed hearing.

39 B. Complaints determined not to be in compliance with Rule 4 of  
40 these Rules shall be returned to the complainant with a statement that  
41 it is not in compliance with the Rules of Procedure. The complaint  
42 may be resubmitted in the proper form.

43 C. Once a determination has been made that the complaint  
44 complies with Rule 4 of these Rules, a majority of the Committee  
45 appointed shall vote by roll call to:

46 (1) Proceed to a preliminary hearing;

47 (2) Defer action pending completion of any other administrative,  
48 disciplinary, commission, or judicial proceeding; or

1 (3) Dismiss the complaint. When a motion to proceed to a  
2 preliminary hearing fails on a recorded vote, the complaint shall be  
3 immediately dismissed. The Committee may, in its discretion, issue a  
4 report in conjunction with the dismissal of the complaint.

5 D. In determining whether or not to proceed to a preliminary  
6 hearing, the Committee shall consider the following:

7 (1) The credible evidence of ethical misconduct contained in the  
8 complaint, any report, or other evidence appended thereto;

9 (2) Other administrative or disciplinary action by other  
10 interested bodies;

11 (3) Criminal investigation, Missouri Ethics Commission  
12 proceeding, or judicial proceedings, either civil or criminal; and

13 (4) Other relevant circumstances that would justify expediting,  
14 declining, or deferring action by the Committee.

15 E. Complaints determined to be in compliance with Rule 4 of  
16 these Rules and accepted for a preliminary hearing shall be  
17 transmitted to the respondent with a copy of the Rules of Procedure  
18 and notice in writing that the respondent has twenty-one (21) calendar  
19 days to respond to the complaint either by way of answer or motion  
20 pursuant to Rule 7 of these Rules. The complainant and alleged victim  
21 shall also be notified, in writing, of the action of the Committee.

22 F. Any party may make an objection to the participation of any  
23 member of the Committee in an examination of the complaint on the  
24 grounds that the member cannot render an impartial and unbiased  
25 decision in the case. The majority of the members present shall rule  
26 on the objection to the participation of any member of the Committee.  
27 A temporary replacement shall be made to serve on the Committee on  
28 Ethics for all actions concerning a particular complaint for any  
29 member of the Committee who is prevented from acting on a complaint  
30 under these rules. Any temporary replacement made shall be of the  
31 same party as the replaced member and shall be chosen by the Speaker  
32 for the replacement of a member of the majority party or chosen by the  
33 Minority Floor Leader for the replacement of a member of the minority  
34 party; except that, if the Speaker is the respondent, the complainant,  
35 or the victim, the temporary replacement shall be chosen by the Chair  
36 of the Committee or, if the Minority Floor Leader is the respondent,  
37 the complainant, or the victim, the temporary replacement shall be  
38 chosen by the Vice Chair of the Committee.

39 RULE 6. Confidentiality

40 A. Counsel for the Committee on Ethics, with the consent of the  
41 Chair and Vice Chair, may redact any of the names and identifying  
42 information of the parties mentioned in any report, or provide a  
43 summary of the report.

44 B. No member or staff of the Committee on Ethics shall disclose,  
45 to any person or entity outside the Committee, any information  
46 received in the course of service with the Committee, except as  
47 authorized by the Committee or in accordance with its rules.

48 C. No person, other than House staff or employees properly part  
49 of the complaint process by rule or policy, who reviews or receives

1 the results of any investigation or report shall disclose any  
2 information contained in the report, except to his counsel or in  
3 accordance with these rules.

4 D. If the complaint proceeds to a preliminary hearing, an  
5 unredacted report shall be provided to the complainant, respondent,  
6 and alleged victim. Any document provided by the Committee shall  
7 contain a watermark indicating that the document is confidential and  
8 shall list the name of the recipient.

9 RULE 7. Answers and Motions

10 A. If the Committee determines that the complaint merits  
11 proceeding to a preliminary hearing, the respondent shall have  
12 twenty-one (21) calendar days in which to respond to the complaint by  
13 way of answer or motion, unless this time period is waived by the  
14 respondent. Any answer or motion shall be in writing, signed by the  
15 respondent and his counsel, if he has one, and shall be limited to the  
16 following:

17 (1) An admission or denial under oath, of the allegations set  
18 forth in the complaint, including negative and affirmative defenses,  
19 and any other relevant information, including supporting evidence  
20 which the respondent may desire to submit. Failure to file an answer  
21 within the time prescribed shall be considered by the Committee as a  
22 denial of each allegation; or

23 (2) An objection to the jurisdiction of the Committee to  
24 investigate the complaint.

25 B. Any motion submitted pursuant to this rule is not in lieu of  
26 an answer and shall be accompanied by a memorandum of points and  
27 authorities. Answers or motions not submitted within the twenty-one  
28 (21) calendar-day period shall not be considered by the Committee.

29 C. The Chair of the Committee shall pass upon such motions as  
30 soon as practicable and notice of the decision shall be furnished to  
31 the respondent and the complainant. A motion to quash a subpoena  
32 shall be decided by the Chair of the Committee.

33 D. Time limitations imposed by this Rule may be extended when,  
34 in the discretion of the Chair, such extension would facilitate a fair  
35 and complete inquiry and may be shortened when the Chair determines  
36 that there are special circumstances compelling expedition, and upon  
37 twenty-four (24) hours notice of said action to the respondent and the  
38 claimant.

39 E. In the event that a special counsel is retained by the  
40 Committee, the attorney-client privilege is applicable to the  
41 Committee and not to the House.

42 RULE 8. Preliminary Hearings

43 A. A preliminary hearing may be held to hear arguments based on  
44 the evidence submitted in the case. The preliminary hearing may be  
45 closed at the discretion of the Committee. The Committee shall  
46 provide the complainant and the respondent or counsel for the  
47 complainant and respondent an opportunity to present, orally or in  
48 writing, a statement, which shall be under oath or affirmation,

1 regarding the allegations and any other relevant questions arising out  
2 of the complaint or other evidence provided to the committee. Opening  
3 statements made during a preliminary hearing shall be limited to  
4 fifteen minutes for the complainant and fifteen minutes for the  
5 respondent; however, such time limitations may be increased at the  
6 discretion of the Chair of the Committee.

7 B. The Committee shall require that testimony be given under  
8 oath or affirmation. The form of the oath or affirmation shall be: "Do  
9 you solemnly swear (or affirm) that the testimony you will give before  
10 this Committee in the matter now under consideration will be the  
11 truth, the whole truth, and nothing but the truth (so help you God)?"  
12 The oath or affirmation shall be administered by the Chair or  
13 Committee member designated by him to administer oaths. The Committee  
14 may take testimony from the complainant, alleged victim, respondent,  
15 and any other witness at the discretion of the Chair. The  
16 complainant, alleged victim, and respondent may submit a list of  
17 proposed witnesses to the Chair for consideration at least twenty-four  
18 hours in advance of the hearing. Only the Committee members, or  
19 special counsel for the Committee, may question a witness at the  
20 preliminary hearing.

21 C. At the conclusion of the preliminary hearing, a majority of  
22 the Committee shall vote by roll call to:

- 23 (1) Dismiss the complaint, which may be accompanied by a report  
24 issued by the Committee;  
25 (2) Proceed by undertaking a formal hearing; or  
26 (3) Offer a recommended sanction to the member which may include  
27 one of the following:  
28 (a) Letter of reproof;  
29 (b) Reprimand;  
30 (c) Censure; or  
31 (d) Expulsion.

32 If the member accepts the Committee's recommended sanction, the  
33 sanction shall be enforced and the complaint shall be concluded. If  
34 the member does not accept the recommended sanction, the Committee  
35 shall then proceed to a formal hearing which shall take place no later  
36 than ninety (90) calendar days after the date that the recommended  
37 sanction was rejected or as scheduled or extended by a majority vote  
38 of the Committee.

#### 39 RULE 9. Formal Hearings

40 A. A formal hearing shall be held on the record to receive  
41 evidence upon which to base findings, conclusions, and  
42 recommendations, if any, to the House; except that, such hearing may  
43 be closed at the discretion of the Committee. The Committee may  
44 require, by subpoena or otherwise, or by subpoena duces tecum, the  
45 attendance and testimony of such witnesses and the production of such  
46 books, records, correspondence, memorandums, papers, electronic  
47 communications, and documents as it deems necessary. The Committee  
48 may issue and enforce subpoenas as allowed by law.

1 B. Prior to setting a hearing date and issuing subpoenas for  
2 witnesses, the Committee shall resolve the scope and purpose of the  
3 hearings. A copy of this statement of scope and purpose shall be  
4 furnished to all witnesses. During the course of the hearings the  
5 Committee may expand or contract the scope in light of evidence  
6 received.

7 C. The order of the formal hearing shall be as follows:

8 (1) The Chair shall open the hearing by stating the Committee's  
9 authority to conduct the investigation, the purpose of the  
10 investigation and its scope.

11 (2) The complainant and the respondent or counsel for the  
12 complainant and respondent shall be permitted to make opening  
13 statements. Such opening statements shall not exceed fifteen minutes  
14 each.

15 (3) Testimony from witnesses and other evidence pertinent to the  
16 matter under investigation shall be received in the following order:

- 17 (a) Witnesses and other evidence offered by the complainant;  
18 (b) Witnesses and other evidence offered by the respondent;  
19 (c) Witnesses and other evidence offered by the Committee; and  
20 (d) Rebuttal witnesses.

21 (4) The Chair, or his designee, and the Committee members may  
22 question any witness.

23 D. Testimony of all witnesses shall be taken under oath. The  
24 form of the oath shall be: "Do you solemnly swear (or affirm) that  
25 the testimony you will give before this Committee in the matter now  
26 under consideration will be the truth, the whole truth, and nothing  
27 but the truth (so help you God)?" The oath shall be administered by  
28 the Chair or Committee member designated by him to administer oaths.

29 RULE 10. Admissibility of Evidence

30 A. The object of the hearings shall be to ascertain the truth.  
31 Any evidence that is relevant and probative shall be admissible,  
32 unless privileged or unless the Constitution otherwise requires its  
33 exclusion. Objections going only to the weight that should be given  
34 to evidence will not justify its exclusion.

35 B. The Chair or other member presiding shall rule upon any  
36 question of admissibility of testimony or evidence presented to the  
37 Committee. The Chair or other member presiding may limit the  
38 presentation of repetitious evidence. Rulings shall be final unless  
39 reversed or modified by a majority vote of the Committee members  
40 present.

41 C. At a formal hearing, the burden of proof is on the  
42 complainant with respect to each count to establish the facts alleged  
43 therein clearly and convincingly by the evidence that he introduces.

44 RULE 11. Witnesses

45 A. A subpoena to a witness shall be served sufficiently in  
46 advance of his scheduled appearance to allow him a reasonable period  
47 of time, as determined by the Committee, to prepare for the hearing  
48 and to employ counsel should he so desire.

1 B. Except as otherwise specifically authorized by the Chair, no  
2 member of the Committee or staff shall make public the name of any  
3 witness subpoenaed by the Committee before his scheduled appearance.

4 C. Witnesses at formal hearings may be accompanied by their  
5 counsel for the purpose of advising them concerning their  
6 constitutional rights and to raise objections to procedures or to the  
7 admissibility of testimony and evidence.

8 D. Chair may limit such testimony when, in his discretion, he  
9 finds the testimony is repetitious, cumulative, or irrelevant.

10 E. Each witness subpoenaed by the Committee shall be reimbursed  
11 for those reasonable expenses approved by the Committee.

12 F. Each witness shall be furnished a printed copy of the Rules  
13 of Procedure and the pertinent provisions of the Rules of the House  
14 applicable to the rights of witnesses.

15 G. Within ten calendar days before the scheduled formal hearing,  
16 each party shall notify the Committee and all other parties to the  
17 complaint, in writing, of the witnesses that are to appear at the  
18 formal hearing. Within five calendar days before the scheduled formal  
19 hearing, each party shall notify the Committee and all other parties  
20 to the complaint, in writing, of any proposed rebuttal witnesses that  
21 are to appear on his behalf. The Chair may exercise discretion in  
22 allowing any party's good faith request for additional witnesses that  
23 are proposed after the expiration of these time limits, or in denying  
24 any witness request made by a party if such request is not made in  
25 good faith.

26 RULE 12. Findings, Conclusions and Recommendations

27 A. At the completion of the preliminary hearing or formal  
28 hearings, the Committee, by a majority vote of its members, shall,  
29 within forty-five (45) days, adopt a report stating its findings and  
30 conclusions on the complaint. The report shall be filed with the  
31 Chief Clerk of the House and shall be printed in the House Journal.  
32 In the event the Committee finds that the complaint is not  
33 well-founded, the report shall so state, and shall include a copy of a  
34 Letter of Reproval if the Committee authorized such sanction. In the  
35 event the Committee finds that the complaint is well-founded, the  
36 report shall state the Committee's recommendation in a resolution  
37 appended thereto.

38 B. The resolution shall state the Committee's findings and  
39 conclusions on each allegation in the complaint with the  
40 recommendation that the House take one of the following actions:

- 41 (1) Letter of reproval;
- 42 (2) Reprimand;
- 43 (3) Censure; or
- 44 (4) Expulsion.

45 C. The chair or counsel for the Committee shall redact from its  
46 findings, conclusions, and recommendations, the name or names and any  
47 identifying information of any person or persons alleged to be a  
48 victim of sexual harassment or sexual misconduct by a member. An  
49 alleged victim may consent to the release of his or her name or other

1 identifying information by providing a written request to the chair of  
2 the Committee.

3 RULE 13. Matters Not Covered in These Rules of Procedure  
4 The Rules of Procedure of the United States House of  
5 Representatives Committee on Ethics of the 116th Congress shall be  
6 taken as guidelines in deciding questions, issues, and other matters  
7 not otherwise provided for in these Rules of Procedure, except that  
8 the Rules of the Missouri House of Representatives governing the party  
9 representation on committees shall apply to this Committee.

Introduced By: (Sponsor) \_\_\_\_\_  
Signature Dist. #

REMINDER: Co-sponsors must sign onto a house bill or resolution electronically through a house computer or the house WEB Portal ([home.house.mo.gov](http://home.house.mo.gov)). Please call the office of the Assistant Chief Clerk at (573) 751-4503 if you have questions.